IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.486 OF 2003
IN
APPEAL FROM ORDER NO.842 OF 2003

Concord Barges Pvt.Ltd. ..Applicant.

V/s.

Associated Corporation of Industries (India) Pvt.Ltd. & Anr. ..Respondents.

Mr.Denzil D'mellow for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 21, 2006.

P.C. :

1. None appears for the applicant. This is an application for condonation of delay of 16 days in filing of the appeal. Ordinarily, the application would have been dismissed for default due to non-appearance of the advocate for the applicant. However, in the present case, the respondent has filed appeal being Appeal from Order No.838 of 2003 which has already been admitted. The appeal filed by the applicant is cross-appeal against the self-same Judgment. In the circumstances, inspite of absence of advocate of the applicant, I am proceeding with the hearing of the present application.

2. Counsel for the respondent No.1 submits that he will not oppose this application.

3. In the circumstances, the application allowed in terms of prayer clause (a) on condition that the applicant shall pay costs, quantified at Rs.3,000/- to the High Court Legal Services Committee within one week from today, failing which office to treat this application as dismissed for non-prosecution.

4 If this condition is complied with, the Appeal from Order No.842 of 2003 be listed alongwith Appeal from Order No.838 of 2003.